IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.3252 of 2004

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Dated:15th September, 2005

Between:

Budida Kanaka Raju. ..Petitioner

And

The S.I of Police,

Town P.S., Anakapalle. …Respondent

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.3252 of 2004

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ORDER:

Assailing the action of the respondent in not completing the investigation into Crime No.214 of 2003 registered under Section 406, 420 r/w. 34 I.P.C forwarded by the learned Additional Judicial First Class Magistrate, Anakapalle under Section 156 (3) of Cr.P.C even though more than five and a half years had elapsed, as illegal and arbitrary, the present writ petition is filed.

The petitioner filed a private complaint on 22-9-2003 before the Additional Judicial First Class Magistrate, Anakapalle, against M/s. Srirama Chits (P) Limited and its officials for the offences under Section 420, 406 read with Section 34 I.P.C, which was forwarded to the respondent, namely Sub-Inspector of Police, Town Police Station, Anakapalle, under Section 156 (3) of Cr.P.C vide D.D.R. No. 5099/2003, to investigate into the matter. The respondent registered the as a crime in Cr. No.214 of 2003 on his file on 05.10.2003. It is the case of the petitioner that even though the private complaint filed by him was registered as a crime, the respondent due to the pressure exerted by the accused, has not investigated the crime even though more than five and a half months elapsed. Hence, he filed the present writ petition for appropriate directions to the respondent to investigate into the crime.

The writ petition was admitted on 24.02.2004. The interim relief and the main relief being the same, the interim relief sought by the petitioner was rejected.

The respondent having received the notice of the writ petition filed counter-affidavit *inter alia* stating that the private complaint filed by the petitioner having been forwarded to him by the Additional First Class Magistrate, Anakapalle, he registered the same as a crime in Cr. No. 214 of 2003 under Section 420, 406 r/w Section 34 I.P.C was registered on 06-10-2003 against
M/s. Srirama Chit Funds Pvt. Ltd. and its officials, and during the course of investigation of the crime, it was revealed that the allegation of intentional cheating and criminal breach of trust made by the petitioner in the private complaint are far from truth, and the same being false, filed final report before the Additional First Class Magistrate, Anakapalle, after obtaining permission from Sub-Divisional Police Officer, Anakapalle vide C.No.413/Ref/SDPOAKP/03 dated 30-11-2003, and the same was even communicated to the petitioner by serving notice.

Heard the learned counsel for the petitioner and the learned Government Pleader for

Home for the respondent.

Since the private complaint filed by the petitioner, which was forwarded to him by the Additional Judicial First Class Magistrate, Anakapalle, was registered by the respondent as a crime in Cr. No.214 of 2003 under Sections 406, 420 r/w. 34 I.P.C., and having investigated into the same and having found that the allegations made by the petitioner in the private complaint are false, filed final report to that effect before the Additional Judicial First Class Magistrate, after obtaining permission from the Sub-Divisional Police Officer, Anakapalle, and due notice to the petitioner, the allegation made by the petitioner in the present writ petition that the private complaint, which was registered as Crime No.214 of 2003, was not investigated into by the respondent even though five and a half months had elapsed, is utterly false and incorrect.

Hence, the writ petition is dismissed. If the petitioner is aggrieved by the final report filed by the respondent, it is open to him to file a protest petition before the Additional Judicial First Class Magistrate. No costs.

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(N.V.RAMANA, J)

15th September, 2005

Grk